

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ECOFACITOR, INC.,

Plaintiff,

v.

ECOBEE, INC.,

Defendant.

Case No.: 6:21-cv-00428-ADA

LEAD CASE

ECOFACITOR, INC.,

Plaintiff,

v.

ECOBEE, INC.,

Defendant.

Case No.: 6:20-cv-00078-ADA

**DECLARATION OF KRISTOPHER DAVIS IN SUPPORT OF
PLAINTIFF ECOFACITOR, INC.'S OPPOSED MOTION
TO RESOLVE DISPUTES REGARDING ITS BILL OF COSTS**

I, Kristopher Davis, declare and state as follows:

1. I am a member of the State Bar of California and a partner at the firm of Russ August & Kabat, counsel of record for Plaintiff EcoFactor, Inc. in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as **Exhibit 1** is a true and correct copy of EcoFactor's revised bill of costs in this action, dated September 27, 2023.

3. Attached as **Exhibit 2** is a true and correct copy of an invoice for EcoFactor's trial transcripts in this action, dated June 1, 2023.

4. Attached as **Exhibit 3** is a true and correct copy of documents supporting EcoFactor's request for deposition costs, including tables summarizing those costs and invoices identifying the requested costs to be taxed.

5. Attached as **Exhibit 4** is a true and correct copy of documents supporting EcoFactor's request for witness costs, including a table summarizing those costs and invoices identifying the travel costs to be taxed.

6. Attached as **Exhibit 5** is a true and correct copy of a table supporting EcoFactor's request for docket fee costs.

7. Attached as **Exhibit 6** is a true and correct copy of documents supporting EcoFactor's request for exemplification and copying costs, including a table summarizing those costs and invoices identifying the requested costs to be taxed.

8. Attached as **Exhibit 7** is a true and correct copy of email correspondence regarding the cross-use of discovery materials in actions between the parties, dated June 14, 2022.

9. Attached as **Exhibit 8** is a true and correct copy of redacted excerpts from demonstrative trial slides of EcoFactor expert Erik de la Iglesia.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on September 27, 2023 at Los Angeles, California.

/s/ Kristopher Davis